



ENTERED
08/12/2009

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

SKYPORT GLOBAL
COMMUNICATIONS, INC.,

DEBTOR

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CASE NO. 08-36737-H4-11

Chapter 11

**ORDER DISMISSING DRACO CAPITAL, INC. EMERGENCY MOTION TO
TERMINATE EXCLUSIVITY (DOC. 305)**

Draco Capital, Inc. ("Draco") filed its Emergency Motion to Terminate Exclusivity. The Debtor filed a response asserting, *inter alia*, that Draco lacked standing to seek such relief, and therefore such Motion should be dismissed. The Court conducted a hearing on Draco's standing on August 7, 2009, at which counsel for the parties appeared and presented evidence and oral argument. After careful consideration, the Court determined that Draco is not a party in interest under 11 U.S.C. §1109(b) and therefore lacks standing. Therefore, based on the findings of fact and conclusions of law orally read into the record, and as may be subsequently memorialized in written findings and conclusions prepared by the Court, it is

ORDERED that Draco's Emergency Motion to Terminate Exclusivity be and is hereby dismissed for lack of standing.

DATED:

August 12, 2009

UNITED STATES BANKRUPTCY JUDGE

APPROVED AS TO FORM AND SUBSTANCE

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

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